

REMARKS

Claims 1-23 were originally filed and remain pending in the present application. No claims are currently added or canceled. Reconsideration of this application in light of the above amendments and the following remarks is requested.

Oath/Declaration

Due to the fact that the citizenship of the inventors was omitted from the original declaration a new declaration in compliance with 37 CFR 1.67(a) is submitted herewith.

§112, 2nd Paragraph Issues

The Examiner pointed out several informalities with claims 6, 9, 12, 14, 19, and 21. Applicants have amended these claims to correct the noted informalities.

§ 102 Rejections

Claims 1-23 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,062,575 to Mickel et al. ("Mickel").

The PTO provides in MPEP §2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim . . ."

Therefore, to sustain the rejections of claims 1-23 Mickel must teach all of the claimed elements of each claim.

With respect to independent claim 1, however, Mickel at least fails to teach having "at least one locking member positioned adjacent said at least one aperture and **movable through a first path in a direction at least partially parallel to said longitudinal axis into a locked position** to prevent the medical dissection tool from moving along the longitudinal axis of the internal passage." Rather, as shown in Figures 3A and 3B of Mickel, the openings defined by walls 80 and 80' have substantially the same width as balls 82 and 82'. Therefore, as shown the balls 82 and 82' are limited to movement substantially transverse to axis BB.

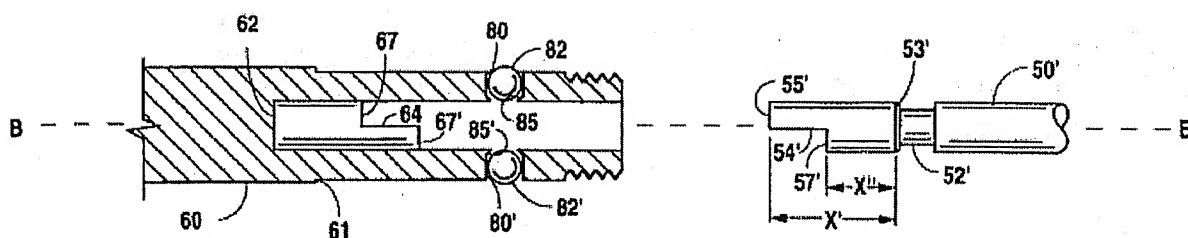


Fig. 3A

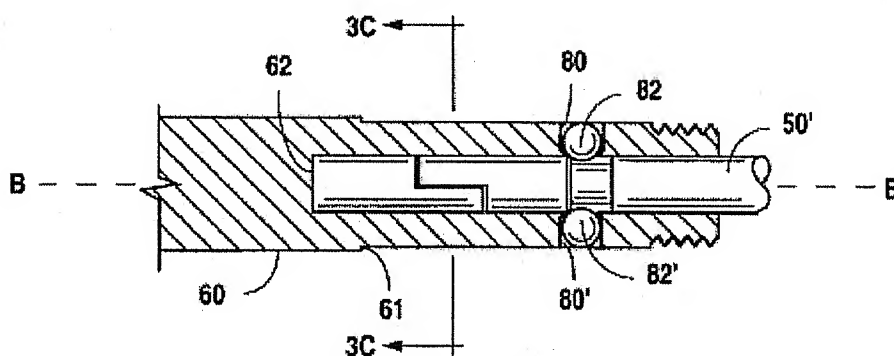


Fig. 3B

As set forth more fully in the Mickel patent at Col. 6, line 36 through Col. 7, line 5, the balls 82 and 82' cannot move parallel to axis BB because the openings defined by walls 80 and 80' do not permit such movement. Thus, the balls 82 and 82' are not "movable through a first path in a direction at least partially parallel to said longitudinal axis into a locked position" as required by claim 1. For at least this reason Mickel fails to teach all of the claimed elements of claim 1. Claims 2-13 depend from and further limit claim 1. Thus, Applicants respectfully request that the Examiner withdraw the §102 rejections of claims 1-13.

Independent claim 14 contains a limitation similar to that of claim 1. Specifically, claim 14 requires "at least one locking member disposed adjacent said aperture, said locking member moveable at least partially along the longitudinal axis from an unlocked position disposed substantially outside said internal passage to a locked position having a least a portion of said locking member disposed within said internal passage." As shown above, the balls 80 and 80' are not "moveable at least partially along the longitudinal axis" as required by claim 14. Thus, for at least this reason Mickel fails to teach all of the claimed elements of claim 14.

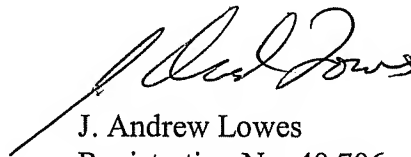
Claims 15-21 depend from and further limit claim 14. Thus, Applicants respectfully request that the Examiner withdraw the §102 rejections of claims 14-21.

Independent claim 22 requires “a means for locking the dissection tool to the coupling housing configured to move the dissection tool within the coupling housing along the longitudinal axis.” As shown above, the balls 80 and 80' are not “configured to move the dissection tool within the coupling housing along the longitudinal axis” as required by claim 22. Thus, for at least this reason Mickel fails to teach all of the claimed elements of claim 22. Claim 23 depends from and further limits claim 22. Thus, Applicants respectfully request that the Examiner withdraw the §102 rejections of claims 22 and 23.


CONCLUSION

It is believed that all matters set forth in the Office Action have been addressed, and that pending claims 1-23 are in condition for allowance. Favorable consideration and an early indication of the allowability of the claims are respectfully requested. Should the Examiner deem that an interview with Applicant's undersigned attorney would expedite consideration, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,


J. Andrew Lowes
Registration No. 40,706

Dated: 1/5/07
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972/680-7557
IP Facsimile: 214/200-0853
R152512

Certificate of Service
I hereby certify that this correspondence is being deposited with the U.S. Patent and Trademark Office via EFS-Web on January 5, 2007.
 Karen L. Underwood